



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,460	10/11/2001	John Michael Brady	117-364	5345
23117	7590	05/16/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			DANG, DUY M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/914,460	BRADY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duy M. Dang	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 76-131 is/are pending in the application.
- 4a) Of the above claim(s) 83-100 and 119-131 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 76,78,79,81 and 101-118 is/are rejected.
- 7) ☒ Claim(s) 77,80 and 82 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/29/01</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Invention of Group I, Claims 67-82 and 101-117 in the reply filed on February 21, 2006 is acknowledged.
2. Claims 83-100 and 119-131 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 21, 2006.
3. In response to Applicant's argument set forth in page 1 of the response, with regard to claim 118 which depends from claim 101, the examiner agrees. Thus, claim 118 would be included in the Invention of Group I and will be examined along with other claims elected.
4. Applicant's amendment to cancel all claims 83-100 and 119-131 as being drawn to non-elected invention is advised in response to this Office Action.

### ***Information Disclosure Statement***

5. The Information Disclosure Statement (IDS) filed on August 29, 2001 has been considered and made of record.

It is noted that there was an incorrect information with regard to inventor name of the USPN 4,762,343 cited in PTO-1449. Such incorrect inventor name (Yanaki) was corrected by the examiner as indicated in the initialized PTO-1449 which is attached herein.

### ***Drawings***

6. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Art Unit: 2624

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The disclosure is objected to because of the following informalities:

For example, the heading of "Background of the Invention", and "Brief Description of Drawing" are not presented. See MPEP 601(I).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 101-118 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 101 recites the limitations of "the compressed" in lines 1-2, "the imaged" in line 2, "the region" and "the part" in line 3, and "the uncompressed" and "the smoothness" in line 4. There is insufficient antecedent basis for this limitation in the claim. Likewise, claims 107 and

Art Unit: 2624

113 recite similar features called for in claim 101 and therefore, claims 107 and 113 are also rejected for the same reasons as set forth in claim 101.

Dependent claims 102-106, 108-112, and 114-118 are also rejected for the same reasons as above.

Applicant's cooperation is requested in correcting any 112(2) issues, not listed above, of which applicant may become aware in claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

11. A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 76, 78-79, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Highnam et al. ("Computing the Scatter Component of Mammographic Images", IEEE, Transactions on Medical Imaging, Vol. 13, No. 2, June 1994, pages 301-313. Referred as "Highnam" hereinafter).

Regarding claims 76, 79, and 81, the Highnam teaches: calibrating the film and intensifying screen by measuring the response of the film and intensifying screen to a plurality of different intensities if received x-rays (see section II: Methods. For example, "calibration data" in second paragraph of section B described on left column of page 302 and equation 2 described

Art Unit: 2624

in pages 302-303); and fitting a theoretical model of the expected response to the measured response (See section II: Methods. For example, estimate energy  $E_s$  mentioned in the equation described in page 302 and using the fitted theoretical model to calculate the imparted energy from the image density (see Section II: Methods. For example, computing E described in equation mentioned in page 302 left column). Highnam further teaches lucite (see section II: Methods. For example, lucite mentioned in first paragraph of right column of page 303) as required by claim 78.

#### ***Allowable Subject Matter***

13. Claims 77, 80, and 82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd

05/12/06

Application/Control Number: 09/914,460

Page 6

Art Unit: 2624

Duy M. Dang  
Patent Examiner

Art Unit: 2624

in pages 302-303); and fitting a theoretical model of the expected response to the measured response (See section II: Methods. For example, estimate energy  $E_s$  mentioned in the equation described in page 302 and using the fitted theoretical model to calculate the imparted energy from the image density (see Section II: Methods. For example, computing  $E$  described in equation mentioned in page 302 left column). Highnam further teaches lucite (see section II: Methods. For example, lucite mentioned in first paragraph of right column of page 303) as required by claim 78.

***Allowable Subject Matter***

13. Claims 77, 80, and 82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd  
05/12/06



Duy M. Dang  
Patent Examiner